



March 28, 2003

ENGROSSED HOUSE BILL No. 1473

DIGEST OF HB 1473 (Updated March 26, 2003 10:49 AM - DI 106)

Citations Affected: IC 36-1.

Synopsis: Ordinance violations and liens. Specifies that the expense incurred by a municipal corporation to bring real property into compliance with an ordinance is a lien against the real property. Makes the lien superior to all other liens except liens for taxes to a maximum of \$2,500 for real property that contains a Class 2 residential structure and \$10,000 for all other real property.

Effective: July 1, 2003.

Kersey, LaPlante

(SENATE SPONSORS — BRAY, SKINNER)

January 15, 2003, read first time and referred to Committee on Financial Institutions.
February 27, 2003, amended, reported — Do Pass.
March 3, 2003, read second time, ordered engrossed.
March 4, 2003, engrossed. Read third time, passed. Yeas 79, nays 17.

SENATE ACTION

March 13, 2003, read first time and referred to Committee on Judiciary.
March 27, 2003, amended, reported favorably — Do Pass.

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EH 1473—LS 6706/DI 108+



March 28, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1473

A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-1-6-2, AS AMENDED BY P.L.50-2002,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 2. (a) If a condition violating an ordinance of a
4 municipal corporation exists on real property, officers of the municipal
5 corporation may enter onto that property and take appropriate action to
6 bring the property into compliance with the ordinance. However,
7 before action to bring compliance may be taken, all persons holding a
8 substantial interest in the property must be given a reasonable
9 opportunity to bring the property into compliance. If **the municipal**
10 **corporation takes** action to bring compliance, ~~is taken by the~~
11 ~~municipal corporation, the expense involved the expenses incurred by~~
12 **the municipal corporation to bring compliance may be made**
13 **constitute** a lien against the property. **The lien is superior to all other**
14 **liens except liens for taxes, in an amount that does not exceed:**
15 **(1) two thousand five hundred dollars (\$2,500) for real**
16 **property that:**
17 **(A) contains one (1) or more occupied or unoccupied single**

EH 1473—LS 6706/DI 108+



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1 **or double family dwellings or the appurtenances or**
2 **additions to those dwellings; or**
3 **(B) is unimproved; or**
4 **(2) ten thousand dollars (\$10,000) for all other real property**
5 **not described in subdivision (1).**
6 (b) If the violation described in subsection (a) is a violation that is
7 located outdoors and does not involve a building or structure, the
8 municipal corporation may also issue a bill to the owner of the real
9 property for the costs incurred by the municipal corporation in bringing
10 the property into compliance with the ordinance, including
11 administrative costs and removal costs.
12 (c) If the owner of the real property fails to pay a bill issued under
13 subsection (b), the municipal corporation may certify to the county
14 auditor the amount of the bill, plus any additional administrative costs
15 incurred in the certification. The auditor shall place the total amount
16 certified on the tax duplicate for the property affected, and the total
17 amount, including any accrued interest, shall be collected as delinquent
18 taxes are collected and shall be disbursed to the general fund of the
19 municipal corporation.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred House Bill 1473, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 9, after "If" insert "**the municipal corporation takes**".

Page 1, line 10, after "compliance" insert ",".

Page 1, line 10, strike "is taken by the municipal corporation, the expense involved" and insert "**the expenses incurred by the municipal corporation to bring compliance, not to exceed either:**

(1) two thousand five hundred dollars (\$2,500) for real property that:

(A) contains one (1) or more occupied or unoccupied single or double family dwellings or the appurtenances or additions to those dwellings; or

(B) is unimproved; or

(2) ten thousand dollars (\$10,000) for all other real property not described in subdivision (1);"

Page 1, line 11, after "made" delete "is" and insert "**constitute**".

and when so amended that said bill do pass.

(Reference is to HB 1473 as introduced.)

BARDON, Chair

Committee Vote: yeas 14, nays 0.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred House Bill No. 1473, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 12, delete ", not to exceed".

Page 1, delete lines 13 through 17.

Page 2, delete lines 1 through 4.

Run in page 1, line 12 through page 2, line 5.

Page 2, line 6, after "taxes" delete "." and insert ", in an amount that does not exceed:

(1) two thousand five hundred dollars (\$2,500) for real property that:

(A) contains one (1) or more occupied or unoccupied single or double family dwellings or the appurtenances or additions to those dwellings; or

(B) is unimproved; or

(2) ten thousand dollars (\$10,000) for all other real property not described in subdivision (1)."

and when so amended that said bill do pass.

(Reference is to HB 1473 as printed February 28, 2003.)

BRAY, Chairperson

Committee Vote: Yeas 8, Nays 0.

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